

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

HOWELL WAY WOLTZ,	)	
	)	
Petitioner,	)	
	)	
v.	)	1:15CV82
	)	
BRADLEY G. WHITLEY, et al.,	)	
	)	
Respondents.	)	

**RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

On January 23, 2015, Petitioner Howell Way Woltz, through counsel, moved to vacate his sentence pursuant to 28 U.S.C. § 2241. (Docket Entry 1.) On February 13, 2015, this Court ordered Respondents to answer within forty days. (Docket Entry 2.) Respondents did not respond in a timely fashion and Petitioner thereafter moved for default judgment and/or sanctions on April 5, 2015. (Docket Entry 3.) The next day, Respondents moved for leave to file an out of time response to the Petition. (Docket Entries 4-5.) The Court granted Respondents the relief sought on April 13, 2015 (Docket Entry 6) and Respondents thereafter filed a timely Response (Docket Entry 8). Given that Respondents have now timely filed the response ordered, Petitioner's motion (Docket Entry 3) should be denied as moot.

**IT IS THEREFORE RECOMMENDED** that Petitioner's Motion for Sanctions or Entry of Default (Docket Entry 3) be **DENIED** as moot.

  
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Joe L. Webster  
United States Magistrate Judge

December 17, 2015  
Durham, North Carolina